

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.7 OF 2006

Dipak R. Shinde. ..Petitioner.

V/s.

Ravindra Madhav Vaity & Ors. ..Respondents.

Mr.Harshal Palwe for petitioner.

CORAM: A.M.KHANWILKAR, J

DATE : FEBRUARY 6, 2006.

P.C. :

1. Heard.

2. This petition has been moved asserting that the respondents have violated order dated 5th April, 2003. The grievance in the petition is that in the agreement dated 11th March, 2003, the respondents plainly accepted that the petitioner was in possession of the disputed property on the basis of the said agreement. Later on, consent terms were filed before this court in Criminal Writ Petition No.421 of 2003 pending between the parties for quashing of criminal action against the respondents.

3. However, nowhere in the order dated 5th April, 2003 any direction is given to the respondents

not to publish any advertisement, interalia, disputing the agreement in question. Reliance placed on the clause appearing in the agreement between the parties dated 11th March, 2003 cannot be the basis to assume that the respondent has breached any direction given by this court much less in order dated 5th April, 2003.

4. Viewed in this perspective, it is not a case for initiating contempt action. It will be open to the petitioner to resort to any other appropriate remedy as may be advised.

5. Any observation made in this order is not an expression of opinion on the rights of the parties with regard to the disputed property. Disposed of accordingly.